

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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DEL RAE MCHUGH,

Plaintiff,

OPINION AND ORDER

v.

08-cv-721-wmc

JO SKALSKI, LUCINDA DELAP, RHIANNON  
GRADY, MICHAEL CADOTTE and THE  
WISCONSIN LABORERS HEALTH FUND,

Defendants.

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After this court's April 23, 2010 order (dkt. #92), all that remains of this case is plaintiff Del Rae McHugh's Eighth Amendment claim against defendant Michael Cadotte. On May 12, 2010, Cadotte filed a notice of appeal to the Seventh Circuit (dkt. #97) from the denial of his qualified immunity defense pending a trial on disputed facts. Cadotte now moves this court to stay further proceedings below pending that appeal. Dkt. #98.

Before deciding Cadotte's motion to stay, the court finds it prudent to give each party an opportunity to address whether such a stay is proper in light of the Seventh Circuit's recent decision in *Levan v. George*, No. 09-3223, slip op. (7th Cir. Apr. 28, 2010). Plaintiff's response should be filed with the court on or before May 19, 2010 and Cadotte's reply on or before May 26, 2010.

Entered this 12<sup>th</sup> day of May, 2010.

BY THE COURT:

/s/

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WILLIAM M. CONLEY  
District Judge